

Mail Stop Interference
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Paper 1
Filed 9 March 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN C. MITCHELL, ALAN J. HEARD,
STEVEN N. CORBETT, and NICHOLAS J. DANIEL
Junior Party
(Patent No. 5,799,273),

v.

DOUGLAS HOLT, MICHAEL K. DAVIS,
and JOSEPH H. MIGLIETTA
Senior Party
(Application No. 09/351,542).

Patent Interference No. 105,746 (SCM)
(Technology Center 2600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue
4 application (if any), count(s) and claims designated as corresponding or as not
5 corresponding to the count(s) appear in Parts E and F of this DECLARATION.

6 Part B. Judge managing the interference

7 Administrative Patent Judge Sally C. Medley has been designated to
8 manage the interference. Bd. R. 104(a).

9 Part C. Standing order

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 Part D. Initial conference call

13 A telephone conference call to discuss the interference is set for 1:00
14 p.m. on 4 May 2010 (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party
16 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd.
17 R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

1 Part E. Identification and order of the parties

2 Junior Party

3
4 Named Inventors: JOHN C. MITCHELL, Devon, UK
5 ALAN J. HEARD, Devon, UK
6 STEVEN N. CORBETT, Devon, UK
7 NICHOLAS J. DANIEL, Devon, UK
8

9 Involved Patent: Patent No. 5,799,273, issued 25 August 1998,
10 based on Application No. 08/720,373, filed 27
11 September 1996

12
13 Title: Automated proofreading using interface linking
14 recognized words to their audio data while text is
15 being changed

16
17 Assignee: AllVoice Developments, Ltd.

18
19 Senior Party

20
21 Named Inventors: DOUGLAS HOLT, Phoenix, AZ
22 MICHAEL K. DAVIS, Paradise Valley, AZ
23 JOSEPH H. MIGLIETTA, Scottsdale, AZ
24

25 Involved Application: Application No. 09/351,542, filed 12 July 1999

26
27 Title: Word tagging and editing system for speech
28 recognition

29
30 Assignee: Advanced Voice Recognition Systems, Inc.

31
32 The senior party is assigned exhibit numbers 1001-1999. The junior party
33 is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The
34 senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

Count 1

Claim 28 or Claim 51 or Claim 71 or

Claim 73 or Claim 77 of Mitchell's Patent No. 5,799,273

The claims of the parties are:

Mitchell: 1-78

Holt: 51-57, 59-62, 68-76, 78 and 80-94

The claims of the parties which correspond to Count 1 are:

Mitchell: 1-5, 7, 9, 14-16, 18, 21, 22, 24, 25, 27-31, 33, 35, 36, 40, 41, 43, 48, 50, 51, and 60-78

Holt: 51-57, 59-62, 68-76, 78 and 80-94

The claims of the parties which do not correspond to Count 1, and therefore not involved in the interference, are:

Mitchell: 6, 8, 10-13, 17, 19, 20, 23, 26, 32, 34, 37-39, 42, 44-47, 49, and 52-59

Holt: none

The parties are accorded the following benefit for the Count:

Mitchell: none

Holt: App. No. 08/556,077, filed 13 November 1995,
now Patent No. 5,960,447, issued 28 September
1999

27 Part G. Heading to be used on papers

28 The following heading must be used on all papers filed in this interference,
29 see SO ¶ 106.1.1:

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2

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4 BEFORE THE BOARD OF PATENT APPEALS
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6

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8 JOHN C. MITCHELL, ALAN J. HEARD,
9 STEVEN N. CORBETT, and NICHOLAS J. DANIEL
10 Junior Party
11 (Patent No. 5,799,273),
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13 v.
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15 DOUGLAS HOLT, MICHAEL K. DAVIS,
16 and JOSEPH H. MIGLIETTA
17 Senior Party
18 (Application No. 09/351,542).
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20

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23 (Technology Center 2600)
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26 Part H. Order form for requesting file copies

27 When requesting copies of files, use of SO Form 4 will greatly expedite
28 processing of the request. Please attach a copy of Parts E and F of this
29 DECLARATION with a hand-drawn circle around the patents and applications
30 for which a copy of a file wrapper is requested.

31 /Sally C. Medley/
32 Administrative Patent Judge

1 Enc:
2 Copy of STANDING ORDER
3 Copy U.S. Patent 5,799,273
4 Copy of claims of Application 09/351,542
5 Copy U.S. Patent 5,960,447
6 Copy Form PTO-850
7
8 Revised 3 January 2006

1 cc (via overnight delivery):

2

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4

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